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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

JORDAN J. POTTER.

CASE NO.: 2:20-CV-00276-RFB-VCF

Plaintiff,

**MOTION TO ENLARGE THE TIME
TO FILE SETTLEMENT
DOCUMENTS
(Second Request)**

CRANE CO., et al.

Defendants

JAMES POTTER, as an anticipated administrator and legal representative of the Estate of Jordan Potter, by and through undersigned counsel¹ and pursuant to Fed. R. Civ. P. 6(b)(1)(A) and LR 7-2, respectfully submits this motion to enlarge the time within which the successor to plaintiff-decedent Jordan Potter (“Plaintiff-Decedent”) and defendant Parker-Hannifin Corporation

¹ This motion is also filed by counsel on behalf of the decedent Jordan Potter. As explained more fully below, it is anticipated that James Potters' wife and the decedent's mother, June Potter, may also be appointed as a legal representative of the decedent's estate.

1 (“Parker-Hannifin”) are to file documents related to the settlement reached between Jordan Potter
2 and Parker-Hannifin. In support, it is hereby stated as follows:

- 3 1. On February 18, 2022, Parker-Hannifin filed a notice regarding a settlement it had reached
4 with Jordan Potter. Notice of Settlement [ECF No. 438].
- 5 2. On February 23, 2022, the Court ordered Plaintiff-Decedent and Parker-Hannifin to file
6 the “settlement documents, stipulation for dismissal or joint status report within 120 days.”
7 Minute Order [ECF No. 439].
- 8 3. June 23, 2022 is 120 days from February 23.
- 9 4. Jordan Potter passed away on February 26, 2022 and his attorneys filed a statement of death
10 on March 22, 2022. Plaintiff’s Statement of Death [ECF No. 442].
- 11 5. Under Federal Rule of Civil Procedure (“Rule”) 25, a motion to substitute a plaintiff for
12 Jordan Potter was required to be filed within 90 days of the filing of the statement of death,
13 or June 20, 2022.
- 14 6. Jordan Potter, who died intestate, was unmarried at the time of his passing and leaves
15 behind a minor child.
- 16 7. Probate proceedings are anticipated to be initiated by Jordan Potter’s parents, James and
17 June Potter, and it is anticipated that one of them will be appointed as an administrator of
18 the Jordan Potter’s estate.
- 19 8. On April 26, 2022, Magistrate Judge Ferenbach held a conference, during which the parties
20 attending and the Court discussed the difficulties in proceeding with this litigation before
21 a new plaintiff had been substituted for Plaintiff-Decedent.
- 22 9. Due to concerns that there would not be a plaintiff to substitute for Jordan Potter within the
23 90-day timeframe provided by Rule 25, on May 25, 2022 the undersigned filed a motion

1 seeking to enlarge that time until October 10, 2022. Plaintiff's Motion to Extend the Time
2 to File a Motion for Substitution of Party [ECF No. 446].

3 10. The Court granted the motion the following day. Order [ECF No. 448].

4 11. It is approximately one week until the June 23, 2022 deadline for the submittal of settlement
5 documents.

6 12. The Potters are still reeling from the loss of their son. Additionally, James Potter recently
7 underwent heart surgery and is still in recovery. June Potter has had to devote considerable
8 time and effort to seeing her husband through this invasive surgery and caring for him
9 during his recovery. As a result, the Potters have had difficulty finding the time necessary
10 to take the steps required to set up Jordan's estate, although they are determined to do so.

11 13. However, at this time, neither June nor James Potter has retained an attorney in connection
12 with the establishment of an estate for Jordan Potter.

13 14. Thus, it is anticipated that the parties will be unable to comply with the June 23rd deadline,
14 because no estate for Jordan Potter has been established, and it is infeasible to do so by that
15 date.

16 15. Accordingly, the undersigned requests that the deadline for the substituted plaintiff and
17 Parker-Hannifin to comply with the Court's February 23, 2022 order be enlarged to 120
18 days after June 23, 2022, that is, until October 21, 2022.

19 16. Parker-Hannifin has consented to this request.

20 17. A proposed Order granting the relief requested is attached.

21 18. A prior motion seeking this relief was filed on June 13, 2022. [ECF No. 449.]

22 19. However, that motion was denied for failure to establish good cause for an extension of
23 more than 120 days. [ECF No. 450.]

MEMORANDUM OF POINTS AND AUTHORITIES

“When an act may or must be done within a specified time, the court may, for good cause, extend the time . . . with or without motion or notice if the court acts, or if a request is made, before the original time . . . expires.” Fed R. Civ. P. 6(b).

Here, there is no successor to Plaintiff-Decedent, nor is the appointment of one imminent. *See ¶¶ 12-14.* Thus, compliance with the Court's deadline is infeasible. Accordingly, good cause exists to extend the deadline for the filing of documents related to the settlement between Plaintiff-Decedent and Parker-Hannifin. The standard extension in this Court of 120 days is requested.

It is possible that further extensions will be necessary, since the Potters may not be able to retain an attorney, file the necessary paperwork, receive their letters of administration, and finalize the settlement with Parker-Hannifin within that timeline.

WHEREFORE, movant respectfully moves this Court for an Order extending the time within which to file settlement documents, stipulation for dismissal or joint status report until October 21, 2022, or for such other and further relief as the Court deems appropriate.

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

JORDAN J. POTTER,

CASE NO.: 2:20-CV-00276-RFB-VCF

Plaintiff,

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION TO
ENLARGE THE TIME TO FILE
SETTLEMENT DOCUMENTS**

CRANE CO., et al.,

(Second Request)

Defendants.

This matter comes before the Court on Plaintiff's Motion to Enlarge the Time to File Settlement Documents.

Good cause being shown, it is therefore **ORDERED** that Plaintiff's Motion to Enlarge the Time to File Settlement Documents is **GRANTED**.

It is further **ORDERED** that the documents pertaining to Jordan Potter's settlement with Parker-Hannifin Corporation shall be filed on or before October 21, 2022.

IT IS SO ORDERED:

RICHARD F. BOULWARE, III
United States District Court

DATED this 17th day of June, 2022.

CERTIFICATE OF SERVICE

I certify that I am an employee of MAUNE RAICHLE HARTLEY FRENCH & MUDD
LLC. and that on the 16th day of June, 2022, I served a true and correct copy of the foregoing

PLAINTIFF'S MOTION ENLARGE THE TIME TO FILE SETTLEMENT

DOCUMENTS (Second Request) to all parties on file with the CM/ECF:

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